

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

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SPERO HARITATOS, :
Plaintiff, : 05 Civ. 930 (DNH/GJD)
- against - :
HASBRO, INC. :
and TOYS "R" US-NY LLC, :
Defendants. :
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**DECLARATION OF MICHAEL D. SANT'AMBROGIO IN OPPOSITION TO
PLAINTIFF'S MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT**

I, Michael D. Sant'Ambrogio, declare and state as follows:

1. I am associated with the firm of Patterson, Belknap, Webb & Tyler LLP, attorneys for defendant Hasbro, Inc. ("Hasbro") and am a member of the bar of New York and of this Court. I submit this declaration based on personal knowledge in opposition to Plaintiff's Motion For Leave to File First Amended Complaint to inform the Court of some procedural background to the motion.

2. On April 14, 2003, Hasbro applied to register its famous CANDY LAND trademark with the United States Patent and Trademark Office ("USPTO") in connection with beverages. Haritatos opposed Hasbro's application and a Trademark Trial and Appeal Board ("TTAB") opposition proceeding ensued (Opp. No. 91/159,145).

3. On April 26, 2004, Haritatos filed an application to register his alleged Candyland mark for ice cream (Serial No. 78/407,842), but the TTAB suspended consideration of his application pending the outcome of Hasbro's application to register its CANDY LAND mark for beverages.

4. The TTAB opposition concerning Hasbro's registration for beverages was nearing the end of discovery and a motion by Haritatos for summary judgment had already been denied when Haritatos filed his Complaint in this Court. A motion by Hasbro to compel discovery was pending when the TTAB suspended its proceedings pending the outcome of this litigation

5. Discovery in this case is in its early stages. After the parties exchanged their initial discovery requests, a dispute arose regarding the terms of a protective order. On December 5, 2005, Magistrate Judge DiBianco resolved the parties' dispute, but Plaintiff appealed that decision to District Judge Hurd, who affirmed the Magistrate Judge's order on January 27, 2006.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 6, 2006, in New York, New York.

/s/ Michael D. Sant'Ambrogio

Michael D. Sant'Ambrogio

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing **DECLARATION OF MICHAEL D. SANT'AMBROGIO IN OPPOSITION TO PLAINTIFF'S MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT** to be filed electronically, with copies sent electronically to the counsel set forth below on February 6, 2006:

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/s/ Michael D. Sant'Ambrogio

Michael D. Sant'Ambrogio